REMARKS

Reconsideration of this application is respectfully requested. The specification has been amended to replace all instances of the term "stainless" with the term "stainless steel." Claims 1 and 4 have been amended to replace the term "stainless layer" with the term "stainless steel layer." Claim 1 has also been amended to recite that the conductive layer has a surface roughness (Rz) of 0.45 μm or less. Claim 4 has been amended to specify that the conductive layer after the chemical etching has a surface roughness (Rz) of 0.45 μm or less, to correct a grammatical error, and to clarify that the chemical etching is performed after the laminate is formed. Support for these amendments can be found in the specification as originally filed, for example, at page 8, lines 9-22, and Example 8 (Table 2) on page 16. No new matter has been added. Claims 1, 2 and 4-10 are pending and at issue.

Objection to the Specification

The disclosure in the specification has been objected to because, according to the Examiner, the term "stainless" throughout the text should read "stainless steel." The specification has been amended accordingly. Applicants respectfully request that the objection be withdrawn.

Enablement Rejection

Claims 1, 2, and 4-10 have been rejected for lack of enablement. According to the Examiner, although the specification is enabling for "stainless steel," it does not reasonably provide enablement for any "stainless layer."

Applicants have amended independent claims 1 and 4 to recite a "stainless steel layer" instead of a "stainless layer." Accordingly, Applicants respectfully request that this rejection be withdrawn.

Indefiniteness Rejection

Claims 4-10 have been rejected as indefinite since it was unclear whether in the process of claim 4 the chemical etching of the conductive layer was to be performed after the conductive layer was provided or after three constituent layers were laminated together.

Claim 4 has been amended to clarify that chemical etching is performed on the conductive layer after the laminate is formed. Applicants, therefore, respectfully request that this rejection withdrawn.

Obviousness-Type Double-Patenting Rejection

Claims 1, 2, and 4-10 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-5 of co-pending U.S. Application No. 11/887,415 ("the '415 application").

The '415 application is a U.S. national stage application of PCT/JP2006/305922 and has an effective U.S. filing date of March 24, 2006. Since the effective U.S. filing date of the present application is March 31, 2005, almost a year earlier than that of the '415 application, the present application should be allowed before any patent matures from the '415 application and without the need to file a terminal disclaimer. MPEP 804(I)(B)(1) provides:

> "If a 'provisional' nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer. . . . If 'provisional' ODP rejections in two applications are the only rejections remaining in those applications, the examiner should withdraw the ODP rejection in the earlier filed application thereby permitting the application to issue without the need of a terminal disclaimer."

Accordingly, applicants respectfully request that this provisional rejection be withdrawn.

Obviousness Rejection

Claims 1, 2, and 4-10 have been rejected as obvious over U.S. Patent No. 6,605,366 ("Yamaguchi").

The present invention is directed to a 3-layer laminate for an HDD suspension. The laminate is substantially free from warpage and deformation. The pending claims recite that one layer of the laminate is a conductive layer having a surface roughness (R_z) of 0.45 μm or less. As shown by Examples 1-14 in Tables 1 and 2, the laminates of the present invention have minimal disk curling.

While Yamaguchi broadly states that, in one embodiment of its laminate, the surface roughness (R_z) of a metal film is 10 μm or less, it further teaches that a surface roughness (R_z) of 0.5 to 7 μm is preferred (col. 8, lines 24-25). Furthermore, the examples in Yamaguchi use a rolled copper film known as a BHY film available from Japan Energy Co., Ltd. having a thickness of 18 μm (see col. 10, lines 12-16). Such a rolled copper film has a surface roughness (R_z) of about 1.5 μm according to U.S. Patent Publication No. 2006/0115670 (see paragraph 218 on page 24). Thus, Yamaguchi suggests that a surface roughness of 0.5 μm or greater (such as 1.5 μm) should be used in its laminate.

For the foregoing reasons, Yamaguchi does not render obvious the presently claimed invention, which includes a conductive layer having a surface roughness (R_z) of 0.45 μm or less. Accordingly, Applicants respectfully request that the rejection be withdrawn.

CONCLUSION

In view of the foregoing, it is believed that the pending claims are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: April 10, 2008

Respectfully submitted,

By_____

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